

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICHAEL D. MILAM,

Plaintiff,

v.

PIERCE COUNTY *et al.*,

Defendants.

Case No. C05-5842FDB

ORDER GRANTING PLAINTIFF  
UNTIL DECEMBER 18<sup>th</sup>, 2006  
TO FILE AN AMENDED  
COMPLAINT

This Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). Plaintiff has applied for and received *in forma pauperis* status. (Dkt. # 7).

On October 18<sup>th</sup>, 2006 the court entered a Report and Recommendation. The court recommended the action be dismissed as to the currently named defendants, but that Mr. Milam be given thirty days to file an amended complaint that states a claim (Dkt. # 32). Mr. Milam has been given a prior chance to amend his complaint (Dkt. # 14).

On November 1<sup>st</sup>, 2006 Mr. Milam filed a motion to modify or amend his complaint (Dkt. # 33). This filing by Mr. Milam is not an amended complaint. Instead, Mr. Milam simply states he wishes to proceed against "Susan Lay and the claim by Colby Richards" (Dkt. # 33).

1 Sixteen days later, on November 17<sup>th</sup>, 2006, the District Court Judge adopted the Report and  
2 Recommendation and gave plaintiff until December 18<sup>th</sup>, 2006 to file a proper amended complaint.  
3 Plaintiff now has until **December 18<sup>th</sup>, 2006** to file an amended complaint that states a claim.

4 The clerk is directed to send a copy of this order to plaintiff, remove (Dkt. # 33) from the  
5 court's calendar, and to note the **December 18<sup>th</sup>, 2006** due date.

6  
7 DATED this 22<sup>nd</sup>, day of November, 2006.

8 /s/ J. Kelley Arnold  
9 J. Kelley Arnold  
10 United States Magistrate Judge  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28